

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

TYWANA DEWINN GRANT,

*Plaintiff,*

vs.

ANDREW SAUL, COMMISSIONER OF  
THE SOCIAL SECURITY  
ADMINISTRATION;

*Defendant.*

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SA-20-CV-01221-JKP

**ORDER**

Before the court in the above-styled cause of action is Plaintiff's motion to proceed *in forma pauperis* [#1]. This case was automatically referred to the undersigned upon filing, and the undersigned has authority to enter this order pursuant to 28 U.S.C. § 636(b)(1)(A). Plaintiff seeks leave to proceed in forma pauperis ("IFP") based on an inability to afford court fees and costs. Having considered Plaintiff's application and supporting affidavit, the Court is of the opinion the motion should be granted.

All parties instituting any civil action, suit, or proceeding in a district court of the United States, except an application for a writ of habeas corpus, must pay a filing fee of \$350, as well as an administrative fee.<sup>1</sup> See 28 U.S.C. § 1914(a). Plaintiff's motion to proceed IFP includes income and asset information, which indicates that Plaintiff is unemployed but receives monthly disability payments of \$1,550. Plaintiff has one daughter in college, for whom she provides some support, but indicates that she does not have any significant funds in a checking or savings account. Plaintiff estimates her monthly expenses as \$1,527. This information demonstrates that

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<sup>1</sup> The administrative fee, which is currently \$50, is waived for plaintiffs who are granted IFP status. See *District Court Miscellaneous Fee Schedule*, available at <http://www.uscourts.gov/services-forms/fees/district-court-miscellaneous-fee-schedule>.

Plaintiff does not have sufficient monthly resources available to pay the filing fee, and the Court will grant the motion to proceed IFP.

The Court notes that Plaintiff has a separate pending Social Security appeal, for which she was also granted IFP status. *See* 5:20-cv-00301-OLG-HJB. That case appeals an administrative decision dated June 20, 2019, but is currently stayed in light of the COVID-19 pandemic pending the Commissioner's ability to produce a certified transcript of record necessary for Defendant to answer and the Court to adjudicate the case. This case appeals an administrative decision dated February 4, 2020. The cases may be related, but without the administrative transcript in either case, the Court is unable to determine the relationship between the two causes of action. Accordingly, the Court will allow this case to proceed and will further evaluate the nature of this action upon the filing of the administrative transcript by the Commissioner.

**IT IS THEREFORE ORDERED** that Plaintiff's application to proceed *in forma pauperis* [#1] is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff's Complaint [#1-1] shall be filed by the Clerk without prepayment of fees, costs or the giving of security, and the Clerk shall, until further Order of this Court, waive the collection of any other fees or costs from Plaintiff.

**IT IS FURTHER ORDERED** that, if not already accomplished, within **ten (10) days** of the date of this Order, Plaintiff shall submit to the Clerk's Office a fully completed United States Marshal Service Form 285, including fully complete addresses, for each Defendant required to be served and the United States Marshal's Service shall serve each defendant with a copy of the Complaint and a copy of this order by certified mail, return receipt requested. Plaintiff is

informed that federal law requires service of her Complaint and summons on the following offices:

The Attorney General of the United States  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530-0001

The United States Attorney  
601 NW Loop 410, Suite 600  
San Antonio, TX 78216

Commissioner of the Social Security Administration  
c/o Office of the Regional Chief Counsel, Region VI  
Social Security Administration  
1301 Young Street, Ste. A-702  
Dallas, TX 75202-5433

*See* Fed. R. Civ. P. Rule 4(i)(1), (2); 79 Fed. Reg. 4519-04.

In light of the fact that Plaintiff is representing herself *pro se* in this action, the Court also directs her to the following resources to assist her in prosecuting her case:

- The Federal Rules of Civil Procedure, available at: [www.uscourts.gov/file/rules-civil-procedure](http://www.uscourts.gov/file/rules-civil-procedure)
- This Court's Local Rules, available at <https://www.txwd.uscourts.gov/court-information/lcr-civil-rules/>
- The "Complete Pro Se Manual" which is available on the Court's website at: <https://www.txwd.uscourts.gov/filing-without-an-attorney/>.

Plaintiff is directed to familiarize herself with these resources. Also, although *pro se* litigants are held to a less stringent standard, they are nevertheless required to follow the rules that govern all litigants in federal court. *Grant v. Cuellar*, 59 F.3d 524, 524 (5th Cir. 1995). These rules include but are not limited to the rules and Court orders regarding conference with opposing counsel, following deadlines imposed by the rules and the Court's Scheduling Order, observing the response times for non-dispositive and dispositive motions as set forth in Local

Rule CV-7(e), and keeping the Court updated with a current address to ensure all filings are received.

**IT IS SO ORDERED.**

SIGNED this 15th day of October, 2020.



ELIZABETH S. ("BETSY") CHESTNEY  
UNITED STATES MAGISTRATE JUDGE